IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.06 OF 2007

Smt Vajrali Sameer Sawale ...Applicant

Versus

Sameer Suresh Sawale ...Respondent

Shri Surel S. Shah for the Applicant.

Shri S.V.Pitre for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 14, 2007.

P.C.:

1. Heard Advocates appearing for the parties. The Applicant is the wife and the Respondent is the husband. The Respondent has filed a petition for divorce under the provisions of Hindu Marriage Act, 1955 in the Civil Court at Pune. The Applicant has filed Marriage Petition No.175 of 2006 for restitution of conjugal rights in the Court of Civil Judge, Senior Division, Solapur. There is also an Application filed by the Applicant and her minor son under section 125 of the Code of Criminal Procedure, 1973 in the Court of the learned Chief Judicial Magistrate at Solapur.

2. The Applicant is the resident of Solapur and the Respondent is a resident of Pune. The Petitions filed

by the parties under the provisions of Hindu Marriage Act, 1955 will have to be heard by one and the same Court. Since the Applicant wife is a resident of Solapur, considering the convenience of the Applicant-wife, the Petition filed by the Respondent will have to be transferred to the Court at Solapur. As the learned Civil Judge Senior Division at Solapur is empowered to exercise the powers of Judicial Magistrate, First Class, even the Application under section 125 of the said Code of 1973 will have to be transferred to one and the same Court.

3. Hence, Application is disposed of by passing following order:

(i) Marriage Petition No.190 of 2006 pending in the Court of the Civil Judge Senior Judge, Pune at Pune is transferred to the Court of the Civil Judge Senior Division at Solapur. The Marriage Petition No.175 of 2006 filed by the Petitioner as well as Criminal Misc. Application No.677 of 2006 filed by the Applicant will have to be heard by the same learned Judge.

(ii) The learned District Judge at Solapur will pass administrative order transferring all the three cases to one and the same learned Judge.

(iii) The learned Judge to whom all the three cases are transferred will hear the said cases either together or simultaneously and will dispose of the same as expeditiously as possible and preferably before the end of the year 2007.

(iv) Writ of this order be sent forthwith.

(v) Application is disposed of.

JUDGE